

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room 5A

9:30 AM

8:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Meeting URL: <https://cacb.zoomgov.com/j/1615185648>

Meeting ID: 161 518 5648

Password: 925901

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Chapter

<https://www.cacb.uscourts.gov/judges/honorable-erithe-smith> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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9:30 AM

8:20-10533 American Renewable Power LLC

Chapter 7

Adv#: 8:22-01015 Casey v. Bayview Engineering & Construction Company, Inc.

#1.00 CONT'D STATUS CONFERENCE RE: Complaint to: 1) Avoid Preferential Transfer Pursuant to 11 U.S.C. Section 547; 2) Avoid Fraudulent Transfer Pursuant to 11 U.S.C. Section 548; 3) Avoid and Recover Fraudulent Transfer Pursuant to 11 U.S.C. Section 544 and California Civil Code Section 3439.04(a) (2) and 3439.05; 4) Recover Avoided Transfers Pursuant to 11 U.S.C. Section 550; 5) Preserve Avoided Transfers Pursuant to 11 U.S.C. Section 551; and 6) Disallowance of Claim Pursuant to 11 U.S.C. Section 502(d)

FR: 5-5-22

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary Dismissal of an Adversary Proceeding That Does Not Involve Claims Under 11 U.S.C. Section 727, filed 5/25/2022; No Answer Filed**

Courtroom Deputy:

OFF CALENDAR: Notice of Voluntary Dismissal of an Adversary Proceeding That Does Not Involve Claims Under 11 U.S.C. Section 727, filed 5/25/2022; No Answer Filed - td (5/25/2022)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

American Renewable Power LLC

Represented By
David B Golubchik
Todd M Arnold

Defendant(s):

Bayview Engineering &

Pro Se

Plaintiff(s):

Thomas H Casey

Represented By

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American Renewable Power LLC

Chapter 7

Beth Gaschen

Trustee(s):

Thomas H Casey (TR)

Represented By

Beth Gaschen

Steven T Gubner

Jeffrey I Golden

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8:20-10533 American Renewable Power LLC

Chapter 7

Adv#: 8:22-01016 Casey v. Moss Adams LLP

#2.00 CON'TD STATUS CONFERENCE RE: Complaint to: 1) Avoid Preferential Transfer Pursuant to 11 U.S.C. Section 547; 2) Avoid Fraudulent Transfer Pursuant to 11 U.S.C. Section 548; 3) Avoid and Recover Fraudulent Transfer Pursuant to 11 U.S.C. Section 544 and California Civil Code Section 3439.04(a) (2) and 3439.05; 4) Recover Avoided Transfers Pursuant to 11 U.S.C. Section 550; 5) Preserve Avoided Transfers Pursuant to 11 U.S.C. Section 551

FR: 5-5-22

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/21/2022 AT 9:30 A.M.,
Per Order Entered 5/25/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 7/21/2022 at 9:30 a.m., Per
Order Entered 5/25/2022 (XX) - td (5/25/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

American Renewable Power LLC

Represented By
David B Golubchik
Todd M Arnold

Defendant(s):

Moss Adams LLP

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Beth Gaschen

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CONT... American Renewable Power LLC

Chapter 7

Trustee(s):

Thomas H Casey (TR)

Represented By

Beth Gaschen

Steven T Gubner

Jeffrey I Golden

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9:30 AM

8:20-10533 American Renewable Power LLC

Chapter 7

Adv#: 8:22-01017 Casey v. J & C Enterprises

#3.00 CONT'D STATUS CONFERENCE RE: Complaint to: 1) Avoid Preferential Transfer Pursuant to 11 U.S.C. Section 547; 2) Recover Avoided Transfer Pursuant to 11 U.S.C. Section 550; and 3) Preserve Avoided Transfer Pursuant to 11 U.S.C. Section 551

FR: 5-5-22

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Continue Status Conference to August 4, 2022 at 9:30 a.m. as a holding date pending approval of settlement agreement or filing of a motion for default judgment. Updated Status Report must be filed by July 21, 2022 if the adversary is still pending as of such date. (XX)

Note: If Plaintiff accepts the tentative ruling, appearance at this hearing is not required; Plaintiff shall give notice of the continued hearing date/time.

Party Information

Debtor(s):

American Renewable Power LLC

Represented By
David B Golubchik
Todd M Arnold

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CONT... American Renewable Power LLC

Chapter 7

Defendant(s):

J & C Enterprises

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Beth Gaschen

Trustee(s):

Thomas H Casey (TR)

Represented By
Beth Gaschen
Steven T Gubner
Jeffrey I Golden

**United States Bankruptcy Court
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9:30 AM

8:21-11422 Nelson Yen

Chapter 7

Adv#: 8:22-01003 Cathay Bank v. Yen

#4.00 CONT'D STATUS CONFERENCE RE: Complaint for: 1. Determination that Debt is Non-Dischargeable Under 11 U.S.C. § 523(a)(2)(A); 2. Determination that Debt is Non-Dischargeable Under 11 U.S.C. § 523(a)(2)(B); 3. Determination that Debt is Non-Dischargeable Under 11 U.S.C. § 523(a)(4); 4. Determination that Debt is Non-Dischargeable Under 11 U.S.C. § 523(a)(6); 5. Denial of Debtors Discharge Under 11 U.S.C. § 727(a)(2)(A); 6. Denial of Debtors Discharge Under 11 U.S.C. § 727(a)(2)(B); 7. Denial of Debtors Discharge Under 11 U.S.C. § 727(a)(3); 8. Denial of Debtors Discharge Under 11 U.S.C. § 727(a)(4)(A); and 9. Denial of Debtors Discharge Under 11 U.S.C. § 727(a)(5)

FR: 3-31-22; 4-7-22

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 7, 2022

Continue Status Conference to June 9, 2022 at 9:30 a.m.; updated Joint Status Report must be filed no later than May 26, 2022. (XX)

Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.

June 9, 2022

Continue the Status Conference to August 11, 2022 at 9:30 a.m. as a holding date pending filing of settlement agreement. An updated Status Report must be filed by July 28, 2022 if the adversary is still pending as of such date. (XX)

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CONT... Nelson Yen

Chapter 7

Note: If the parties accept the tentative ruling, appearances at this hearing is not required; Plaintiff shall give notice of the continued hearing date/time.

Party Information

Debtor(s):

Nelson Yen

Represented By
Jonathan J. Lo

Defendant(s):

Nelson Yen

Pro Se

Plaintiff(s):

Cathay Bank

Represented By
Gerrick Warrington

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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9:30 AM

8:21-11483 Ernest Mikhail Alfon

Chapter 7

Adv#: 8:21-01084 Onsite Nurse Concierge, LLC v. Alfon

#5.00 PRE-TRIAL CONFERENCE RE: Complaint For Order Determining Debt To Be Non-Dischargeable And Objecting To Discharge Of Debtor

FR: 12-2-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/11/2022 AT 10:30 A.M. AS A STATUS CONFERENCE, Per Order Entered 6/2/2022 (XX)**

Courtroom Deputy:

CONTINUED: Continued to 8/11/2022 at 10:30 a.m. as a Status Conference, Per Order Entered 6/2/2022 (XX) - td (6/6/2022)

Tentative Ruling:

December 2, 2021

Discovery Cut-off Date: Apr. 15, 2022
Pretrial Conference Date: June 9, 2022 at 9:30 a.m.
(XX)
Deadline to file Joint Pretrial Stipulation: May 26, 2022

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Ernest Mikhail Alfon

Represented By
James D. Hornbuckle

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CONT... Ernest Mikhail Alfon

Chapter 7

Defendant(s):

Ernest Mikhail Alfon

Pro Se

Plaintiff(s):

Onsite Nurse Concierge, LLC

Represented By
Rick Augustini

Trustee(s):

Thomas H Casey (TR)

Pro Se

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9:30 AM

8:21-11994 Joseph W Yang

Chapter 7

Adv#: 8:21-01090 Casey v. Yang

#6.00 CONT'D STATUS CONFERENCE Hearing RE: Chapter 7 Trustee's Complaint
Against Cheryl R. Yang For:
(1) Avoidance Of Actual Intent Fraudulent Transfer Under 11 U.S.C. Section
548(a)(1)(A);
(2) Avoidance Of Constructive Fraudulent Transfer Under 11 U.S.C. Section
548(a)(1)(B);
(3) Judgment That The Post-Petition Transfer Of Real Property Is Void Per 11
U.S.C. Section 362;
(4) Avoidance Of An Unauthorized Post-Petition Transfer Per 11 U.S.C. Section
549(a)(1)(B);
(5) Recovery Of Avoided Transfers Per Section 550;
(6) Judgment Quieting Title;
(7) Declaratory Relief, And,
(8) Turnover Per 11 U.S.C. Section 542
(Complaint filed 9/30/2021)

FR: 12-15-21; 3-14-22 (Crtrm 6C); 4-7-22; 5-12-22

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Approving
Stipulation to Dismiss Adversary Proceeding and Taking Status Conference
Off Calendar Entered 5/24/2022**

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation to Dismiss Adversary
Proceeding and Taking Status Conference Off Calendar Entered
5/24/2022 - td (5/24/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph W Yang

Represented By
Julie J Villalobos

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CONT... Joseph W Yang

Chapter 7

Defendant(s):

Cheryl R. Yang

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Thomas H Casey

Trustee(s):

Thomas H Casey (TR)

Pro Se

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9:30 AM

8:21-12426 Lewis R O'Reilly

Chapter 7

Adv#: 8:22-01002 Danciu et al v. O'Reilly

#7.00 CONT'D STATUS CONFERENCE Hearing RE: Complaint Objecting to Discharge of Claim and for Finding Claim Nondischargeable Pursuant to 11 U.S.C. Section 523 (Complaint filed 1-11-22)

FR: 4-6-22; 4-7-22

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 7, 2022

Continue Status Conference to June 9, 2022 at 9:30 a.m. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

Note: If Plaintiff accepts the tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.

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**CONT... Lewis R O'Reilly
June 9, 2022**

Chapter 7

Continue the Status Conference to August 4, 2022 at 9:30 a.m., pending proper notice of the motion for default judgment filed by Plaintiff. (XX)

Basis for Tentative Ruling:

The pending motion for default judgment does not provide the defendant with notice of the deadline for filing an opposition [docket #13]
see F 9013-1.2.OPPORTUNITY.HEARING.NOTICE.

Note: If Plaintiff accepts the tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Lewis R O'Reilly

Represented By
Charles W Daff

Defendant(s):

Lewis R O'Reilly

Pro Se

Plaintiff(s):

Angela Danciu

Represented By
Francis Thomas Donohue
Francis T Donohue

George Danciu

Represented By
Francis Thomas Donohue
Francis T Donohue

Trustee(s):

Karen S Naylor (TR)

Pro Se

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10:00 AM

8:20-10617 Robert James Ruble

Chapter 7

#8.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

SPECIALIZED LOAN SERVICING LLC

VS.

DEBTOR

FR: 5-17-22

Docket 116

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Movant to advise the court re the status of this matter. If additional time is needed, Movant may request a further continuance at the time calendar roll-call by the court clerk just prior to the hearing. Available dates are 6/19/22, 7/14/22, 7/21/22 and 7/28/22 at 10:00 a.m.

Party Information

Debtor(s):

Robert James Ruble

Represented By
Bert Briones

Movant(s):

Specialized Loan Servicing LLC

Represented By
Austin P Nagel

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10:00 AM

CONT... Robert James Ruble

Chapter 7

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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10:00 AM

8:20-10645 Anthony Bergman

Chapter 13

#9.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

NATIONSTAR MORTGAGE LLC

VS.

DEBTOR

FR: 5-5-22

Docket 53

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary
Dismissal of Motion for Relief from Stay, filed 6/6/2022**

Courtroom Deputy:

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion for Relief from
Stay, filed 6/6/2022 - td (6/6/2022)**

Tentative Ruling:

May 5, 2022

Grant with 4001(a)(3) waiver and co-debtor waiver unless the Moving Party is agreeable to a continuance to discuss a possible stipulation for adequate protection, in which case a request for continuance can be made during the pre-hearing calendar roll-call by the court clerk. Available continued dates are June 2, 2022, June 9, 2022 and June 16, 2022 at 10:00 a.m.

Party Information

Debtor(s):

Anthony Bergman

Represented By
Stephen L Burton

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10:00 AM

CONT... Anthony Bergman

Chapter 13

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By

Dane W Exnowski

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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5A

10:00 AM

8:21-12176 Scott Warren Cohen

Chapter 7

#10.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

CARLA F. COHEN

VS.

DEBTOR

Docket 55

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Grant the Motion to allow Movant to liquidate her claims for child support, spousal support, and equalization payments, i.e., claims which fall under either 28 U.S.C. 523(a)(5) or 523 (a)(15). Relief from stay is not granted to permit Movant to pursue tort claims beyond the scope of Sections 523(a)(5) or 523(a)(15).

Basis for Tentative Ruling:

1. It is in the best interests of the estate to allow Movant to liquidate her support and equalization claims.
2. While the court is not unsympathetic to Debtor's financial position, Debtor has not stated sufficient grounds for postponing the liquidation of the claim. As this case has been pending for approximately nine months, the court is not persuaded that the Motion constitutes a "rush" to proceed in state court. Further, the claim will have to be determined at some point and there is no evidence that litigation regarding the same will be less costly if it occurs in this

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CONT... **Scott Warren Cohen**
court vs. state court.

Chapter 7

3. There is an existing state court action in family court that can adjudicate the exclusively California law issues.

4. The chapter 7 trustee has determined that it would be most cost-effective for the estate if the claim is liquidated in state court (See Stipulation, docket # 37).

5. As the time for filing nondischargeability for tort-related claims under 523(a)(2), 523(a)(4) and 523(a)(6) has expired, relief from stay is limited solely to matters falling within the scope of 523(a)(5) or 523(a)(15).

EVIDENTIARY OBJECTIONS

Overrule all evidentiary objections, except sustain as to the following language in Paragraph 4: "determine what community funds Debtor has evidently concealed, secretly dissipated before the bankruptcy petition was filed or after it was filed". (Assumes facts not in evidence).

Party Information

Debtor(s):

Scott Warren Cohen

Represented By
Leonard M Shulman

Movant(s):

Carla F Cohen

Represented By
Anerio V Altman

Trustee(s):

Richard A Marshack (TR)

Represented By
William J Wall

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10:00 AM

8:21-12425 Kalani James Robert Green

Chapter 13

#11.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

WILMINGTON SAVINGS FUND SOCIETY, FSB

VS.

DEBTOR

FR: 5-12-22

Docket 42

***** VACATED *** REASON: Order Granting Stipulation for Adequate
Protection Entered 5/26/22**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Stipulation for Adequate Protection
Entered 5/26/22- mp(6/1/22)**

Tentative Ruling:

May 12, 2022

Grant motion with 4001(a)(3) waiver unless Movant is amenable to negotiating the terms of an adequate protection order, in which case the hearing may be continued to June 9, 2022, June 16, 2022 or July 14, 2022 at 10:00 a.m. upon request of the parties during the clerk's pre-hearing calendar roll call.

Party Information

Debtor(s):

Kalani James Robert Green

Represented By
Rabin J Pournazarian

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10:00 AM

CONT... Kalani James Robert Green

Chapter 13

Movant(s):

Wilmington Savings Fund Society,

Represented By

Dane W Exnowski

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:00 AM

8:22-10149 Wendy Anne Miller

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

 IRVINE SAN REMO APARTMENTS, LLC

 VS.

 DEBTOR

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Continue hearing to July 14, 2022 at 10:00 a.m. due to insufficient evidence of proper service by both parties. Any substantive opposition must be filed/served no later than June 23, 2022 and any Reply no later than July 7, 2022

Basis for Tentative Ruling:

1. Though the initial proofs of service did not so indicate, it appears that Debtor's counsel was served electronically, which is proper service. However, as no proof of service was attached to the Zoom notice, the court cannot determine if such notice was properly served on Debtor and Debtor's counsel
2. Debtor's opposition does not include a proof of service showing timely service on Movant's attorney.
3. As an aside, it is not clear why Movant felt it needed to provide telephonic notice to Debtor since the motion was filed on regular notice.

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CONT... Wendy Anne Miller

Chapter 7

Tentative ruling for July 14, 2022 hearing based on the current pleadings::
Grant the Motion.

Note: If both parties accept the tentative ruling, appearances at this hearing are not required. Movant to serve notice of the continued hearing date/time, including Zoom notice.

Party Information

Debtor(s):

Wendy Anne Miller

Represented By
Thomas M Alexander Jr

Movant(s):

Irvine San Remo Apartments LLC

Represented By
Scott Andrews

Trustee(s):

Richard A Marshack (TR)

Represented By
Misty A Perry Isaacson

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10:00 AM

8:22-10260 Horizon Communications Technologies, Inc.

Chapter 11

#13.00 CONT'D Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

OUTSOURCE, LLC

VS.

DEBTOR

FR: 4-21-22; 5-12-22

Docket 48

***** VACATED *** REASON: Order Approving Stipulation to Continue
Hearing to July 14, 2022 at 10:00 am Entered 6/6/22 (XX)**

Courtroom Deputy:

**CONTINUED: Order Approving Stipulation to Continue Hearing to July
14, 2022 at 10:00 am Entered 6/6/22 (XX) - mp/td (6/6/22)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Horizon Communications

Represented By
Marc C Forsythe
Reem J Bello
Teresa L Polk

Movant(s):

Outsource, LLC

Represented By
David I Brownstein

Trustee(s):

Mark M Sharf (TR)

Pro Se

United States Bankruptcy Court
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10:00 AM

8:22-10514 Nina Ilkhanoff

Chapter 13

#14.00 Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

NATIONS DIRECT MORTGAGE, LLC

VS.

DEBTOR

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Grant with 4001(a)(3) waiver and all other relief requested, including co-debtor relief and relief under Section 362(d)(4).

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Nina Ilkhanoff

Pro Se

Movant(s):

Nations Direct Mortgage, LLC

Represented By
Caren J Castle

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Hearing Room

5A

10:00 AM

CONT... Nina Ilkhanoff

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:00 AM

8:22-10652 Susan Jo White

Chapter 7

#15.00 Hearing RE: Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A) (ii)

Docket 14

***** VACATED *** REASON: OFF CALENDAR - Notice of Withdrawal of Motion by Movant filed 5-18-22 - jl**

Courtroom Deputy:

OFF CALENDAR - Notice of Withdrawal of Motion by Movant filed 5-18-22 - jl

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Jo White

Represented By
Bill J Parks

Movant(s):

Hollie A. Lemkin

Represented By
Richard G. Heston

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#16.00 CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE:
Enforcement of Judgment [In Person - 1/6/22]

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19; 1-30-20; 4-2-20; 6-11-20; 9-10-20;
11-19-20; 1-14-21; 3-11-21; 5-11-21; 7-1-21; 9-2-21; 11-4-21; 1-6-22; 2-10-22;
3-10-22

Docket 128

Courtroom Deputy:

Tentative Ruling:

July 16, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

August 8, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

August 15, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

October 17, 2019

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

Judgment creditor has not sought the issuance of an OSC re contempt.
Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC
re contempt may be heard on the same date.

November 21, 2019

Judgment creditor to advise the court re the status of this matter. The court
notes that judgment creditor has not sought the issuance of an OSC re
contempt.

January 30, 2020

Judgment creditor to advise the court re the status of this matter, e.g.,
production of documents. Stephen Haythorne to appear in court to be sworn
in by the court clerk; the examination will take place outside the courtroom.

June 11, 2020

Continue the examination to September 10, 2020 at 10:00 a.m.

Basis for Tentative Ruling

The courthouse remains closed to in-person court appearances and on-site
in-person judgment debtor examinations. Judgment creditor is free to
schedule an examination outside the courthouse, including by video
conference, prior to September 10, 2020. Depending on the status of
pandemic-related rules and policies in place on September 1, 2020, the
September 10, 2020 hearing may be further continued.

***Note: If the Judgment Creditor accepts the foregoing tentative ruling,
appearance at this hearing is not required and Judgment Creditor shall
serve notice of the continued hearing date/time. Non-appearance at the
hearing will be deemed acceptance of the tentative ruling.***

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

September 10, 2020

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

January 6, 2022

Continue the examination to February 10, 2022 at 10:30 a.m., the same date/time set for hearing on the Order to Show Cause re Contempt. (XX)

Note: If all parties accept the tentative ruling, appearances at this hearing are not required.

February 10, 2022

Plaintiff's counsel to advise the court as to how he wishes to proceed regarding the examination.

March 10, 2022

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

Plaintiff's counsel to advise the court as to how he wishes to proceed regarding the examination.

June 9, 2022

Party Information

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

Defendant(s):

Stephen J Haythorne

Pro Se

Plaintiff(s):

Hugh C Damon

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#17.00 CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:
Enforcement of Judgment [In Person - 1/6/22]

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19; 1-30-20; 4-2-20; 6-11-20; 9-10-20;
11-19-20; 1-14-21; 3-11-21; 5-11-21; 7-1-21; 9-2-21; 11-4-21; 1-6-22; 2-10-22;
3-10-22

Docket 130

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

August 8, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

August 15, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

October 17, 2019

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

Judgment creditor has not sought the issuance of an OSC re contempt. Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re contempt may be heard on the same date.

November 21, 2019

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.

January 30, 2020

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom (no doctor's note was filed by January 16, 2020 excusing her appearance).

June 4, 2020

Continue the examination to September 10, 2020 at 10:00 a.m.

Basis for Tentative Ruling

The courthouse remains closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

September 10, 2020

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

January 6, 2022

Continue the examination to February 10, 2022 at 10:30 a.m., the same date/time set for hearing on the Order to Show Cause re Contempt. (xx)

Note: If all parties accept the tentative ruling, appearances at this hearing are not required.

February 10, 2022

Plaintiff's counsel to advise the court as to how he wishes to proceed regarding the examination.

March 10, 2022

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

Plaintiff's counsel to advise the court as to how he wishes to proceed regarding the examination.

Party Information

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

Defendant(s):

Stephen J Haythorne

Pro Se

Plaintiff(s):

Hugh C Damon

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#18.00 CON'TD Hearing RE: Order to Show Cause Why Defendant Stephen J. Haythorne and Kelli R. Haythorne Should Not Be Held in Further Contempt for Failure to Comply with the Court's Order Holding Stephen J. Haythorne and Kelli Haythorne in Contempt for Their Failure to Comply with the Court's Orders to Produce Documents Pursuant to the Court's June 14, 2019 Orders to Appear for Examination (**Virtual Status Conference**) (OSC Issued 12/28/2021)

FR: 2-10-22; 3-10-22

Docket 230

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

February 10, 2022

No response to the Order to Show Cause has been filed by either Stephen Haythorne or Kelli Haythorne. The court finds both individuals to be in further contempt of this court's prior orders concerning the failure to produce documents pursuant to this court's order entered on December 28, 2021 [Dkt # 230]. Additionally, Stephen Haythorne has failed to pay monetary sanctions in the amount of \$2,808.70 pursuant to the court's order entered November 6, 2020 [Dkt #186]. Additional attorneys fees in the amount of \$2,000 shall be imposed on Stephen Haythorne, for a total of \$4,808.70, payable to the law firm of Goe Forsythe & Hodges LLP no later than March 31, 2022.

Creditor Hugh Damon may file a motion for further sanctions, including for the issuance of a writ of bodily detention as to both Stephen Haythorne and Kelli Haythorne.

March 10, 2022

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

The court finds both Stephen J. Haythorne and Kelli R. Haythorne to be further contempt of this court's orders as outlined in the Order to Show Cause re Further Contempt entered on December 28, 2022 [Docket #230]. Stephen Haythorne must pay the attorneys fees previously ordered by this court within 30 days or face body detention and incarceration until such payment is made. Both parties shall be jointly and severally liable for the attorney fees and costs incurred by Plaintiff in the prosecution of the the current Order to Show re Further Contempt and shall pay the same (to be determined at a future hearing) or face body detention and incarceration until the same is paid.

Basis for Tentative Ruling:

Kelli Haythorne:

Regarding Ms. Haythorne's declaration dated February 18, 2022, she lists six categories of documents that she claims are not her possession. However, each category reflect documents that Ms. Haythorne should be able to obtain, either online or by a simple request. For example, the declaration does not state why she cannot obtain financial statements by accessing the websites of institutions such as Morgan Stanley, Capital one and Wells Fargo, or why she cannot obtain a copy of her rental agreement from her landlord.

Stephen Haythorne: Mr. Haythorne has provided even less information, stating simply that he dropped off a box of documents at Mr. Goe's office without identifying the documents produced or why he cannot produce all of the documents requested.

The court has been exceedingly patient with the Haythornes for an extended period of time. However, it appears that neither are interested providing the information they are required to do.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

Defendant(s):

Stephen J Haythorne

Pro Se

Plaintiff(s):

Hugh C Damon

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room 5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#19.00 Hearing RE: Fourth and Final Application for Compensation and Reimbursement of Expenses

**[[PACHULSKI STANG ZIEHL & JONES LLP, GENERAL BANKRUPTCY
COUNSEL FOR THE DEBTORS AND DEBTORS IN POSSESSION]]**

Docket 724

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Allow fees and expenses in the total amount requested, including amounts previously not allowed, less \$16,998.25.

Basis for Tentative Ruling:

The fee reduction represents one-half of the \$33,976.50 in fees that were improperly presented to the court. In responding to the U.S. Trustee's objection, the Firm appears to take a cavalier attitude about the fact that it submitted in support of the Fourth and Final Fee Application the Declaration of Jason Roswell which inaccurately and misleadingly represented that the invoices attached thereto had been reviewed by him and represented charges from December 1, 2021 through February 22, 2022. In fact, invoices from the periods covered by the Second and Third Fee Applications were intermingled therein with no caveat, footnote or other explanation.

When the court reviews fee applications, it reviews each category *in context*. Including time records from prior application periods deprived the court from considering the reasonable of the fees in context with other charges made during the same time frame. A proper review of the Fourth Fee Application

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... HCA West, Inc

Chapter 11

would require the court to painstakingly re-review the prior fee application, plugging in the missing time records in order to assess the total fees for a particular time period within a particular category of services. The court declines to do that.

The Firm's only apparent "defense" is that it notified Mr. Hauser of the UST's Office of the issue (a fact which Mr. Hauser disputes). No attempt was made by the Firm to bring the matter to the attention of the court.

Party Information

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

Gail S Greenwood

Trustee(s):

Stapleton Group

Represented By

Jason H Rosell

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#20.00 Hearing RE: Fourth and Final Application for Compensation and Reimbursement of Expenses

**[STEPTOE & JOHNSON LLP, CORPORATE AND SPECIAL COUNSEL FOR
THE DEBTORS AND DEBTORS IN POSSESSION]**

Docket 725

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

Gail S Greenwood

Trustee(s):

Stapleton Group

Represented By

Jason H Rosell

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT...

HCA West, Inc

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#21.00 Hearing RE: Fourth and Final Application of Levene, Neale, Bender, Yoo & Golubchik L.L.P. for Approval of Fees and Reimbursement of Expenses

**[LEVENE, NEALE, BENDER, YOO & GOLUBCHIK L.L.P., ATTORNEYS FOR
THE JOINT COMMITTEE OF CREDITORS HOLDING UNSECURED CLAIMS]**

Docket 734

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

Gail S Greenwood

Trustee(s):

Stapleton Group

Represented By

Jason H Rosell

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#22.00 Hearing RE: Third and Final Application for Compensation and Reimbursement of Expenses of Omni Agent Solutions as Case Administration Consultant to the Debtors and Debtors in Possession

**[OMNI AGENT SOLUTIONS AS CASE ADMINISTRATION CONSULTANT TO
THE DEBTORS AND DEBTORS IN POSSESSION]**

Docket 736

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

Gail S Greenwood

Trustee(s):

Stapleton Group

Represented By

Jason H Rosell

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT...

HCA West, Inc

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:21-10135 Chase Merritt Global Fund LLC

Chapter 11

#23.00 CON'TD Post Confirmation Hearing RE: Debtor's First Amended Subchapter V Plan of Reorganization

(Set at Plan Hrg. Held 8-5-21)
FR: 2-10-22

Docket 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

February 10, 2022

Continue post-confirmation status conference to June 9, 2022 at 10:30 a.m.; an updated status report must be filed by May 26, 2022 unless a final decree has been entered as of such date. (XX)

Note: Appearance at this hearing is not required.

June 9, 2022

A postconfirmation Status Report was not filed by May 26, 2022 (or as of June 7, 2022). Debtor's counsel to appear and advise the court why sanctions in the amount of \$100 should not be imposed and why an Order to Show Cause re Dismissal/Conversion of the case should not be issued for the failure to comply with the court's February 17, 2022 Order.

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Chase Merritt Global Fund LLC

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Chase Merritt Global Fund LLC

Chapter 11

W. Derek May

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room 5A

10:30 AM

8:21-10608 DEA Brothers Sisters LLC

Chapter 11

**#24.00 CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case**

FR: 5-6-21; 9-2-21; 12-16-21; 3-3-21; 3-31-22; 5-12-22

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 6, 2021

Claims Bar Date:	7/12/21 [notice to creditors by 5/12/21]
Deadline to File Plan/Disc. Stmt	8/11/21 -- no additional extensions
Continued Status Conference:	9/2/21 at 10:30 a.m. (XX)
Updated Status Report due:	8/19/21 (waived if plan/ds timely filed)

Note: If Debtor accepts the foregoing tentative ruling and there is no objection by the US Trustee or other party, appearances at this hearing are not required; court to issue its own order.

September 2, 2021

Continue Status Conference to December 16, 2021 at 10:30 a.m.; updated Status Report must be filed by December 2, 2021 unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated Status Report will be waived. (XX)

Note: If all parties accept the tentative ruling, appearances at today's hearing is not required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... DEA Brothers Sisters LLC

Chapter 11

May 12, 2022

Continue Status Conference to June 9, 2022 at 10:30 a.m. pending issuance of Court's re plan confirmation. (XX)

Note: Appearances at this hearing are not required.

June 9, 2022

Continue Status Conference to July 14, 2022 at 10:30 a.m. The Court Confirmation Order will be entered by or before June 14, 2022. (XX)

Note Appearances at this hearing are not required.

Party Information

Debtor(s):

DEA Brothers Sisters LLC

Represented By
Roger J Plasse

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:21-11483 Ernest Mikhail Alfon

Chapter 7

Adv#: 8:21-01084 Onsite Nurse Concierge, LLC v. Alfon

#25.00 CON'TD Hearing RE: Plaintiff's Motion to Compel Further Responses to First Request for Production of Documents Propounded to Defendant Ernest Mikhail Alfon and Request for Sanctions

FR: 3-3-22; 5-12-22

Docket 8

***** VACATED *** REASON: CONTINUED TO 8/11/2022 AT 10:30 A.M.,
Per Order Entered 6/2/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 8/11/2022 at 10:30 a.m., Per Order
Entered 6/2/2022 (XX) - td (6/2/2022)**

Tentative Ruling:

March 3, 2022

**[The Time of the Continued Hearing has been Updated Since the Original
Posting of the Tentative]**

Continue this hearing to May 12, 2022 at 10:30 a.m. The parties are ordered to meet and confer pursuant to LBR 7026-1(c) by telephone, in-person, or by video conference no later than March 25, 2022. If the discovery dispute is not resolved through the meet and confer process, Plaintiff shall serve Defendant with its portion of the required stipulation no later than March 24, 2022. Defendant shall return the stipulation with his portion of the stipulation no later than April 14, 2022. Plaintiff shall file the joint stipulation no later than April 28, 2022. Plaintiff may also file a reply to Defendant's portion of the joint stipulation no later than April 28, 2022. (XX)

Basis for the Tentative Ruling:

1. The court finds that Plaintiff satisfied the requirement of attempting to

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT...

Ernest Mikhail Alfon

Chapter 7

schedule a meet and confer by its letter of December 22, 2021 in accordance with LBR 7026-1(c)(2). This rule does not require follow-up or multiple attempts as suggested by Defendant. According to the record, Defendant never formally responded to the December 22, 2021 meet and confer request.

2. Defendant has argued that he did not respond to the meet and confer request due to health concerns of his counsel. Plaintiff's point is well-taken that counsel managed to continue to work on the case in the two weeks following the service of the December 22, 2021 letter. That said, the court will give Defendant's counsel the benefit of the doubt. However, the requirement of a meet and confer will not be waived as indicated in the tentative ruling.

3. The court interprets LBR 7026-1(c)(3) as requiring a joint filing if the parties are not able to resolve the discovery dispute through the meet and confer process. As no meet and confer took place in this matter, Plaintiff had no subsequent responsibility to serve Defendant with its portion of the joint stipulation.

4. The court will not consider the Motion absent a joint stipulation being filed pursuant to LBR 7026-1(c) (3) or a declaration re non-cooperation filed pursuant to LBR 7026-1(c)(3)(C). Note that the court has expanded the time for the parties to prepare their respective portions of the stipulation. The court expects each party to strictly comply with LBR 7026-1(c)(3)(A) and (B).

5. The court will take up the issue of sanctions pursuant to LBR 7026-1(c)(4) at the May 12, 2022 hearing.

SPECIAL NOTE TO THE PARTIES: A pleading that is filled with vitriol and invective regarding the opposing party is patently unpersuasive to the court and undermines the credibility of its author.

Note: If both parties accept the tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge an order consistent with the same.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

CONT... Ernest Mikhail Alfon

Chapter 7

Debtor(s):

Ernest Mikhail Alfon

Represented By
James D. Hornbuckle

Defendant(s):

Ernest Mikhail Alfon

Represented By
Baruch C Cohen

Plaintiff(s):

Onsite Nurse Concierge, LLC

Represented By
Rick Augustini

Trustee(s):

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 9, 2022

Hearing Room

5A

10:30 AM

8:21-11483 Ernest Mikhail Alfon

Chapter 7

Adv#: 8:21-01084 Onsite Nurse Concierge, LLC v. Alfon

#26.00 CON'TD STATUS CONFERENCE RE: Complaint For Order Determining Debt To Be Non-Dischargeable And Objecting To Discharge Of Debtor

FR: 12-2-21 (PTC of 6/9/2022 Vacated; Status Conference Set for 5/12/2022 at 10:30 a.m., Per Amended Order Entered 3/21/2022); 5-12-22

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/11/2022 AT 10:30 A.M.,
Per Order Entered 6/2/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 8/11/2022 at 10:30 a.m.,
Per Order Entered 6/2/2022 (XX) - td (6/2/2022)**

Tentative Ruling:

December 2, 2021

Discovery Cut-off Date:	Apr. 15, 2022
Pretrial Conference Date:	June 9, 2022 at 9:30 a.m.
(XX)	
Deadline to file Joint Pretrial Stipulation:	May 26, 2022

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Ernest Mikhail Alfon

Represented By
James D. Hornbuckle

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Thursday, June 9, 2022

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10:30 AM

CONT... Ernest Mikhail Alfon

Chapter 7

Defendant(s):

Ernest Mikhail Alfon

Pro Se

Plaintiff(s):

Onsite Nurse Concierge, LLC

Represented By
Rick Augustini

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 9, 2022

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10:30 AM

8:21-12973 Jose Antonio Pacheco, Jr.

Chapter 13

**#27.00 Hearing RE: Objection to Proof of Claim 16-1 Filed by Caliber Home Loans, Inc.
(\$8,670.86)**

Docket 39

***** VACATED *** REASON: CONTINUED TO 7/14/2022 AT 10:30 A.M.,
Per Order Entered 5/25/22 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 7/14/2022 at 10:30 a.m., Per Order
Entered 5/25/2022 (XX) - td (5/25/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Pacheco Jr.

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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10:30 AM

8:22-10092 Patricia Lee Long

Chapter 13

#28.00 Hearing RE: Debtor's Objection to Proof of Claim Filed by Global Discoveries, Ltd. [Claim No. 4-1]

Docket 84

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 9, 2022

[posted after the hearing]

Debtor objects to proof of claim 4-1 for \$341,779.84 ("the Claim") filed by Global Discoveries, Ltd. ("Claimant") on the basis that Debtor never received any funds that were contemplated in the promissory note or deed of trust ("the Objection") [dkt. 84]. Claimant timely filed an opposition to the Objection ("Opposition") [dkt. 100] and Debtor filed a timely reply ("Reply") [dkt. 106].

The Objection is Overruled Because Claimant Carried its Ultimate Burden

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Therefore, a proof of claim will be deemed allowed unless a party in interest objects. *Lundell*, 223 F.3d at 1039. Once a party in interest objects, the proof of claim will still provide some evidence as to its validity and amount, and will be strong enough to carry over a mere formal objection without more. *Id.* Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620,

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CONT...

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Chapter 13

623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, then the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039. The ultimate burden of persuasion remains at all times upon the claimant. *Id.*; *Holm*, 931 F.2d 620 (9th Cir. 1991).

In this case, Claimant filed the Claim in accordance with Rule 3001. The Claim was filed with Official Form 410 and included the writing upon which the Claim was based, the promissory note and the deed of trust, as required by LBR 3001(c)(1). Therefore, the Claim is entitled to *prima facie* validity, and Debtor must present affirmative evidence to overcome the Claim's presumption of validity.

Now the burden shifts to the objecting party, in this case, the Debtor, to present affirmative evidence to overcome the presumption. Debtor provides her own declaration stating that (1) the Deed of Trust obligated Forsum to pay the delinquent property taxes directly to Orange County, (2) the Deed of Trust obligated Forsum to use the funds to pay Coastal Management and Development, LLC to renovate and maintain the Property, (3) these payments totaled \$155,215.00, and (4) that Forsum never paid the delinquent property taxes nor did his company ever renovate the Property, and 5) she never received any of the loan proceeds referenced in the promissory note and Deed of trust. . Long Decl., ¶¶4-5. She also asserts that the recorded deed of trust is "missing several pages" and was altered to exclude certain notations that obligated the initial lender, Reynold Forsum ("Forsum") to use the loan proceeds to pay the taxes and to make the renovations.

The court has reviewed the recorded deed of trust attached to the Proof of Claim and Debtor's version of the deed of trust, attached to her declaration as Exhibit B. First, the court could not discern any missing pages. Both documents are seven pages long. There are handwritten notations that appear following paragraphs 4, 8 and 12 of Debtor's version of the deed of trust but not in the recorded deed of trust, to wit that Forsum would "pay taxes to the OC Tax [sic] directly" and that Forsum would use Coastal Management Develop. These additional notations are initialed by

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Chapter 13

Debtor but not by Forsum. As a matter of law, Debtor cannot unilaterally bind Forsum to a legal obligation to perform without evidence of his consent to the same. Debtor, therefore, has not provided evidence sufficient to shift the burden back to Claimant on the issue of the state obligation to pay property taxes and to renovate the Property.

Debtor also asserts in her declaration that she did not receive "any funds" from Forsum. This evidence is sufficient to shift the ultimate burden of proof to Claimant. In response, Claimant has submitted copies of the front of three of the eight checks made payable to the Debtor (check 1556 for \$10,285.00, check 1563 for \$38,440.00, and check 1564 for \$29,365.00), and carbon copies of two more (check 1546 for \$35,000.00 and check 1549 for \$200.00). Forsum Decl., Ex. 6-10. Claimant also provided a copy of check 1572 for \$25,925.00 that includes the front and back of the check. Kirby Decl., 33 of 34. The back of the check shows it was endorsed by the Debtor. *Id.* Debtor used this check to purchase a cashier's check made payable to herself. Kirby Decl., 34 of 34. A summary of the evidence of the copies of the checks is below:

Check No.	Dated	Amount	Exhibit	Copy
1546	02/07/2014	\$ 35,000.00	6	carbon copy
1549	02/22/2014	200.00	7	carbon copy
1556	05/18/2014	10,285.00	8	
1558	08/18/2014	7,000.00		copy not available
1559	08/23/2014	9,000.00		copy not available
1563	11/21/2014	38,440.00	9	
1564	12/05/2014	29,365.00	10	
1571	02/08/2015	25,925.00		copy not available later obtained by su

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Patricia Lee Long

Chapter 13

The reference to Check No. 1571 appears to be a typo. The correct check number is 1572. See Kirby Decl. [dkt.103], 33 of 34. In addition, Claimant produced copies of Mr. Forsum's bank statements for the relevant period. Each of the checks listed above cleared his account. Kirby Decl., 5-32 of 34. See a summary of the bank statements below:

Check No.	Dated	Amount	Page.	
1546	02/07/2014	\$35,000.00	PWB001	
1549	02/22/2014	200.00	PWB003	
1556	05/18/2014	10,285.00	PWB009	
1558	08/18/2014	7,000.00	PWB015	no check number
1559	08/23/2014	9,000.00	PWB015	no check number
1563	11/21/2014	38,440.00	PWB021	statement shows c
1564	12/05/2014	29,365.00	PWB021	
1571	02/08/2015	25,925.00	PWB 029-030	copy from Ba

More important than the checks and bank records, however, are the two letters and one email where the Debtor expressly acknowledges the debt and makes no allegation that Forsum never funded the loan. One undated letter states in part:

I am contacting you re payment of the money I owe you, on a loan you extended to me, as per the deed of trust recorded at the County of Orange, on the property at 34503 Calle Carmelita. It is important that I confirm to you that I DO OWE YOU THIS LOAN BACK, PLUS INTEREST . . . Part of the funds were used to pay Star Engineering Group . . . I thank you from the bottom of my heart for giving me a chance to restore Carmelita, and know that as I evaluate the use of

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CONT...

Patricia Lee Long

Chapter 13

funds, the killer expenditure was to satisfy lawsuits and attorneys.

[emphasis in original]. Forsum Decl. [dkt. 102], 18 of 37. Notably, this letter does not refer to Forsum's nonpayment of property taxes but, instead, indicates that funds from the Forsum loan were used to pay Star Engineering and to pay for "lawsuits and attorneys." The letter dated June 2, 2016, over a year after the Debtor signed the Forsum Note, states in part that the "priority to me [Debtor], is the payment of the FORSUM NOTE." Debtor also sent an email to the principals of Claimant and the foreclosure trustee, a copy of which is attached to the Declaration of Jed Byerly filed April 26, 2022 (ECF No. 74-1, 18 of 20). The email is dated December 8, 2021 and states in part:

"My first option is that you will agree to the Forbearance as required by Covid - 19 Emergency Response Programs, and allow me to conclude the tenant eviction, clear the property, and then sell to one of the three families interested. in order to get the highest value. *Your note and demand then will be paid directly to you through the escrow.*

In the alternative, if you proceed with this wrongful foreclosure, I have no choice but to file a complaint, and request the proper compliance with judicial proceedings [sic] etc, including case management conferences, and settlement conferences, including the assignment of a judicial officer etc."

(emphasis added)

The 2021 communication from Debtor, sent almost seven years after the Note and Deed of Trust were signed, does not mention any failure by Forsum to make the loan. In fact, the Debtor seemed willing to pay the note as recently as December 8, 2021. These communications constitute admissions of a party which completely contradict Debtor's current position that she received no funds and that Forsum failed to perform certain alleged obligations. Further, none of these communications are disputed by Debtor in her Reply.

In conclusion, Claimant has provided sufficient evidence that Debtor received funds from the loan and the Claim is valid. As such, the Objection is

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CONT... **Patricia Lee Long**
overruled.

Chapter 13

Party Information

Debtor(s):

Patricia Lee Long

Represented By
Benjamin Nachimson

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:30 AM

8:22-10092 Patricia Lee Long

Chapter 13

#28.10 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

GLOBAL DISCOVERIES LTD

VS.

DEBTOR

FR: 4-14-22; 5-5-22; 6-2-22

Docket 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 5, 2022

Continue the hearing once to June 2, 2022 at 10:00 a.m. Debtor shall file any additional response/opposition pleadings no later than May 12, 2022; Movant may file any reply no later than May 26, 2022. No additional pleadings will be considered or reviewed by the court. The court will determine at the June 2, 2022 hearing whether it will rule on the Motion or set the matter for an evidentiary hearing. (XX)

Basis for Tentative Ruling:

Out of an abundance of caution, the court is continuing this matter in order to permit Debtor's new counsel to file a complete response to the Motion and for Movant to fully respond to the opposition. However, the hearing will go forward on June 2, 2022 whether or not Debtor is represented by current counsel, alternative counsel or is *pro se*. No additional late pleadings will be considered, except as allowed by the tentative ruling.

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Chapter 13

Special Note: Debtor's request that the hearing be continued for more than 60 days to July 14, 2022 is unreasonable and is, therefore, denied.

Note: If the both parties accept the tentative ruling, appearances at this hearing are not required.

June 2, 2022

Continue this hearing to June 9, 2022 at 10:30 a.m., same date/time scheduled for hearing re Debtor's objection to Movant's claim (XX)

Note: If both parties accept the tentative ruling, appearances at this hearing are not required.

June 9, 2022

This matter remains under review by the Court; a tentative ruling may be posted at any time prior to the hearing.

Party Information

Debtor(s):

Patricia Lee Long

Represented By
Jessica Galletta

Movant(s):

Global Discoveries Ltd., LLC

Represented By
Dean T Kirby

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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10:30 AM

8:22-10366 Patricia Castrejon

Chapter 13

#29.00 Hearing RE: Debtor's Motion to Avoid Lien Under 11 U.S.C. Section 522(f) and, if Applicable, for Turnover of Property [Creditor: L.F. Maintenance Corporation]

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Patricia Castrejon

Represented By
David R Chase

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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10:30 AM

8:22-10433 Patrick R Ellis

Chapter 7

#30.00 Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. Rule 2017

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patrick R Ellis

Represented By
Kevin Cortright

Trustee(s):

Karen S Naylor (TR)

Pro Se